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Congress of the United States

House of Representatives

March 21, 2003

Mr. John Iani
Regional Administrator, Region X
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101

Dear Mr. Iani:

I am writing to express my concerns regarding the Preliminary Draft Columbia/Snake Rivers Mainstem Temperature Total Maximum Daily Load (TMDL) document developed by EPA Region X staff under Section 303(d) of the Clean Water Act.

It is my understanding that, in its current form, the temperature TMDL establishes a goal of reducing water temperatures to those that EPA estimates existed prior to the construction of 15 dams on the Columbia and Snake Rivers.

If EPA persists with such an approach to the TMDL, the operators of hydroelectric projects could be required to implement extremely costly operational or structural measures to achieve minimal reductions in water temperatures, with little evidence of any meaningful benefit to fish and wildlife. Even worse, such a TMDL could fuel efforts to remove major dams on the Columbia and Snake Rivers notwithstanding the power, recreation, navigational and fish and wildlife benefits they provide to the people of the Pacific Northwest.

Therefore, I request that you respond in writing to the following questions prior to issuance of a draft temperature TMDL for public comment:

1. Does the temperature reduction goal in the draft TMDL assume that the 15 dams on the Columbia and Snake Rivers were never built? If so, why did EPA Region X reject the recommendations of the Federal Advisory Committee on the Total Maximum Daily Load Program to assume the existence of these dams as part of the temperature baseline?
2. Do you agree that the purpose of any TMDL is to implement water quality standards that must be consistent with the Clean Water Act's Section 303(c)(2)(A) requirement that water quality standards "shall be established taking into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other purposes...."? If so, please explain how the draft temperature TMDL is consistent with such a requirement.

3. The primary stated purpose of reducing peak water temperatures in the Columbia River is to benefit fish and wildlife, particularly salmon and steelhead. Do you agree that the goal of the draft TMDL and related regulatory actions should be to improve biological outcomes for fish rather than achieve temperature criteria regardless of the costs and the biological benefits produced? If you do agree that the TMDL should focus on biological benefits to fish rather than achievement of temperature criteria regardless of the costs and biological benefits, please explain how the draft TMDL to be issued by EPA is consistent with such an approach.
4. Oregon's water quality standards, approved by EPA Region 10, do not require application of numeric temperature criteria in circumstances where it is not reasonable to achieve the reductions in temperature required by water quality standards. Instead, the Oregon standards require the development of a temperature management plan that protects fish and wildlife resources while taking into account compliance costs as well as the benefits provided by a hydroelectric facility. Has EPA Region 10 considered adopting some version of this approach in the draft TMDL? If not, why not?

In closing, I believe that it is critical that EPA take a thoughtful and balanced approach to the water temperature TMDL. I urge you and your staff to take the full amount of time required to do this right because a misconstrued approach to the TMDL could be very damaging to the Northwest.

Thank you for your attention to this very important matter.

Sincerely,



Doc Hastings
Member of Congress

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